

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

| | | |
|------------------------------|---|-----------------|
| SHYLER DRUMM, |) | CIVIL DIVISION |
| |) | |
| Plaintiff, |) | No: 2:24-cv-438 |
| |) | |
| v. |) | |
| |) | Code: |
| BEAVER AREA SCHOOL DISTRICT; |) | |
| JEFFERY BELTZ; and NICHOLAS |) | |
| COLLINS, |) | |
| |) | |
| Defendants. |) | |

PETITION FOR REMOVAL OF A CIVIL ACTION

AND NOW, come Defendants, BEAVER AREA SCHOOL DISTRICT and JEFFREY BELTZ, by and through their counsel, MARSHALL DENNEHEY and TERESA O. SIRIANNI, ESQUIRE, and file the within PETITION FOR REMOVAL OF A CIVIL ACTION from the Court of Common Pleas of Beaver County, Pennsylvania, to the U.S. District Court for the Western District of Pennsylvania, representing as follows:

1. Plaintiff commenced a Civil Action on December 19, 2023 in the Court of Common Pleas of Beaver County at No: 11687-2023 pursuant to a Praecipe for Writ of Summons.
2. The following documents have been filed at No: 11687-2023:
 - A. Praecipe for Writ of Summons (Plaintiff) – 12/19/2023;
 - B. Sheriff Return – Jeff Beltz – 1/18/2024;
 - C. Sheriff Return – Beaver Area School District – 1/18/2024;
 - D. Sheriff Return – Nicholas Collins – 1/18/2024;
 - E. Praecipe for Appearance (Michael E. Lang, Esquire for Nicolas Collins) – 2/01/2024;

- F. Praeipse for Rule to File Complaint (Nicholas Collins) – 2/01/2024;
- G. LR301 Civil Case Summary (Nicholas Collins) – 2/01/2024;
- H. Complaint (Plaintiff) – 2/22/2024;
- I. Notice, Initial Case Management Conference – 2/23/2024;
- J. Answer, New Matter and Cross-Claim (Nicholas Collins) – 2/29/24;
- K. LR301 Civil Case Summary (Plaintiff) – 3/8/24;
- L. Praeipse for Appearance (Beaver Area School District and Jeffrey Beltz) – 3/20/24;
- M. LR301 Civil Case Summary (Beaver Area school District and Jeffrey Beltz) – 3/20/24; and

See attached hereto true and correct copies of the above documents, marked with corresponding exhibit designation, docketed at No: 11687-2023.

3. A copy of the docket at No: 11687-2023 is attached hereto and marked as Exhibit “N”.

4. This Court has original jurisdiction of Plaintiff’s claims pursuant to 28 U.S.C. §1331 and §1343, and the action is thereby removed to this Court pursuant to the procedures authorized by 28 U.S.C. §1441(a)(c).

5. Jurisdiction in this matter lies with this Court due to Plaintiff bringing claims in several counts of his Complaint alleging violations of Section 1983 and the Fourteenth Amendment (Count I, ¶31 “the acts and omission of the defendant violated Plaintiff’s clearly established rights under the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution ...” and (Count II, ¶46 “As a direct and proximate result of the Defendant’s misconduct, committed under color of state law, the Defendants deprived Plaintiff of his rights, privileges, and immunities under the laws of the Constitution of the United States, namely ... due process and equal protection of the law ...”).

6. Plaintiff also brings claims under the ADA (Counts IV and V).

7. Notice of a Filing of Removal has been provided this same date to the Court of Common Pleas of Beaver County. *See* attached hereto a true and correct copy of the Notice of Filing of Removal included in Exhibit “O”.

8. Undersigned counsel conferred with counsel for Co-Defendant, Nicholas Collins. Defendant Collins does not object to the removal of this action from the Court of Common Pleas of Beaver County, Pennsylvania to the United States District Court for the Western District of Pennsylvania.

WHEREFORE, Defendants, BEAVER AREA SCHOOL DISTRICT and JEFFREY BELTZ, respectfully requests this Honorable Court to remove the above-captioned action pending in the Court of Common Pleas of Beaver County, Pennsylvania, at No: 11687-2023 to the United State District Court for the Western District of Pennsylvania.

Respectfully submitted,

MARSHALL DENNEHEY

BY: *s/ Teresa O. Sirianni*
TERESA O. SIRIANNI, ESQUIRE
**Counsel for Defendants, Beaver Area School
District and Jeffrey Beltz**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **Petition for Removal of a Civil Action** has been served upon the following known counsel of record this 22nd day of March, 2024, via electronic mail and/or US First-Class Mail, postage prepaid:

Kenneth G. Fawcett, Esquire
Bowers Fawcett & Hurst, LLC
820 Kennedy Drive
PO Box 280
Ambridge, PA 15003-0280
kfawcett@brf-law.com
(Counsel for Plaintiff)

Michael E. Lang, Esquire
Margolis Edelstein
983 Third Street
Beaver, PA 15009
mlang@margolisedelstein.com
(Counsel for Nicholas Collins)

MARSHALL DENNEHEY

s/ Teresa O. Sirianni
TERESA O. SIRIANNI, ESQUIRE
Counsel for Defendants, Beaver Area School
District and Jeffrey Beltz